THE HIGH COURT OF UTTARANCHAL AT NAINITAL

Special Appeal No. 03 of 2004

Food Corporation of India and others ……. Appellants

Versus

F.C.I. Mazdoor Sangh, U.P. Lucknow,
6 Naveen Market, Kaisher Bagh, Lucknow
through its General Secretary
Shri Mohd Zuber and others …….. Respondents

Sri B.D. Upadhyaya, Advocate for the appellants.
Sri D.S. Patni, Advocate for respondent no. 1.
Sri L. K. Verma, Advocate for respondents 2 to 101.

JUDGMENT

Coram: Hon'ble Rajeev Gupta, C.J.
Hon'ble P.C. Pant, J.

RAJEEV GUPTA, C.J. (Oral)

Sri B.D. Upadhyaya, Advocate for the appellants.

Sri D.S. Patni, Advocate for respondent no. 1.

Sri L. K. Verma, Advocate for respondents 2 to 101.

They are heard.

2. The appellants have filed this Special Appeal against the order dated 05.12.2003 passed by the learned Single Judge on Modification / Clarification Application NO. 9650 of 2003 in Writ Petition No. 4243 (S/S) of 2001, whereby the appellants were directed that while preparing the seniority list, the names of the respondents 7 to 106 in the writ petition shall be considered, if they have worked for more than 240 days; while complying the order passed on 18.09.2003, the efficiency of the workmen and their length of service shall also be considered and the workers, who were engaged by direct recruitment; and all the members of the petitioner's association and respondents 7 to 106 shall be given work

forthwith according to their seniority prepared after the order passed on 18.09.2003.

3. During the pendency of the Special Appeal against the above interim order, the writ petition itself came to be finally decided vide judgment dated 12.08.2004. the said judgment dated 12.08.2004 was the subject matter of Special Appeal No. 65 of 2004, which was finally decided vide judgment dated 14.09.2005 whereby the impugned judgment dated 12.08.2004 passed by the learned Single Judge in the writ petition was set aside and the petitioners were given liberty to move Industrial Adjudicator under the provisions of the Industrial Disputes Act 1947 for redressal of their grievances.

4. In view of the above mentioned developments during the pendency of the Special Appeal leading to the ultimate dismissal of the writ petition, the interim order dated 05.12.2003 cannot be allowed to remain operative and stands vacated automatically with the dismissal of the writ petition.

5. The Special Appeal thus stands disposed of.

6. With the above order CLMA No. 1137 of 2004 also stands disposed of.

(P.C.Pant, J.) **(Rajeev Gupta, C.J.)**
08.08.2006 08.08.2006

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